

D/k

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROBERT MANINO

Plaintiff,

-against-

SUPERINTENDENT DALE ARTUS,

Defendant.

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06-CV- 3078(Arr)(JO)

NOT FOR
PRINT OR ELECTRONIC
PUBLICATION

ORDER

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated December 31, 2008 from the Honorable James Orenstein, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Edwards v. Town of Huntington, No. 05 Civ. 339 (NGG) (AKT), 2007 U.S. Dist. LEXIS 50074, at *6 (E.D.N.Y. July 11, 2007); McKoy v. Henderson, No. 05 Civ. 1535 (DAB), 2007 U.S. Dist. LEXIS 15673, at *1 (S.D.N.Y. March 5, 2007). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, petitioner's application for a writ of habeas corpus is denied. Because Mr. Manino has failed to make a "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2) (1996), no certificate of appealability will be granted. The Clerk of the Court shall enter judgment accordingly.

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: April 22, 2009
Brooklyn, New York

SERVICE LIST:

Petitioner, *pro se*

Robert Manino

00A3801

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cc: Magistrate Judge Orenstein